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CORRESPONDENCE WITH GENERAL HARNEY.

LETTER
OF
THE SECRETARY OF WAR,

COMMUNICATING

*Copies of correspondence with General Harney, not heretofore published,
in reference to his administration in Oregon.*

JUNE 20, 1860.—Laid upon the table and ordered to be printed.

WAR DEPARTMENT, June 20, 1860.

SIR: I have the honor to transmit herewith the papers called for by the resolution of the House of Representatives of the 12th instant, by which the Secretary of War is requested "to furnish the House of Representatives all correspondence on file in the War Department, not heretofore published, having reference to General Harney's administration of the department of Oregon."

Very respectfully, your obedient servant,

JOHN B. FLOYD,
Secretary of War.

HON. WILLIAM PENNINGTON,
Speaker of the House of Representatives.

HEADQUARTERS DEPARTMENT OF OREGON,
Fort Vancouver, W. T., March 2, 1860.

COLONEL: On the 2d of September last I notified your office of the necessity of some 350 recruits to fill up vacancies in the 9th regiment of infantry in the spring of this year. That regiment having been organized in the year 1855, all of its enlistments expire about the same time, and the inducements in mining in this country are such that very few, if any, of the men will re-enlist.

By the return of this department for the month of December, 1859, you will perceive 153 recruits are needed. These vacancies belong principally to other regiments, and should be added to the number estimated for in September last.

This department, then, will require at least 500 recruits before the end of May.

I am, colonel, very respectfully, your obedient servant,
WM. S. HARNEY,
Brigadier General, Commanding.

Colonel S. COOPER,
Adjutant General, Washington City.

HEADQUARTERS DEPARTMENT OF OREGON,
Fort Vancouver, W. T., March 5, 1860.

GENERAL: I have the honor to enclose, for the information of the War Department, a copy of a communication from John M. Work, esq., agent of the Hudson's Bay Company; also my answer to the same, with a copy of the proceedings of a board of officers convened by my orders to assess and report the value of the improvements in question.

The land upon which these improvements rest is needed for public purposes, particularly as a drill ground for the battery of light artillery stationed here by the orders of the Secretary of War; and as it is within the limits of the military reserve, I have directed these improvements to be removed. The possessory rights of the Hudson's Bay Company having expired with their charter in May last, this establishment can only now be considered as remaining in position at this point by sufferance.

I am, general, very respectfully, your obedient servant,
WM. S. HARNEY,
Brigadier General, Commanding.

Major General T. S. JESUP,
Quartermaster General U. S. Army, Washington City, D. C.

FORT VANCOUVER, W. T., March 1, 1860.

SIR: It is my duty in the absence of Mr. Graham to endeavor, so far as I have ability, to protect the rights and property of the Hudson's Bay Company, and, at least, to object as firmly as possible to any encroachment upon them.

Having been informed that it is proposed to open some of the enclosures of the company now in actual cultivation, and claimed as an undoubted part of their possessory rights secured to them by treaty between the United States and Great Britain, thereby depriving the company of their fields already leased for the present year; and having also been informed that one of the company's oldest and

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most faithful servants, who has occupied his present residence, which, with the adjoining field cultivated by him, is a part of the company's property, for more than ten years, has been informed that he must leave his house next week, or be forcibly removed by a file of soldiers, as his house was to be torn down and his garden thrown open, I feel compelled, in behalf of the company, to protest most earnestly against any interference or encroachment upon the company's rights in the manner proposed, not less because of the great damage which will result, than because of the violation of right.

Hoping that no act will be permitted by your authority which can be regarded as an encroachment like those referred to, and that you will pardon my suggestions in the matter in the absence of those whose position and larger experience might perhaps give greater weight to their objections, I have the honor to be, very respectfully, your obedient servant,

JOHN M. WORK,

Agent of Hudson's Bay Company.

Brigadier General W. S. HARNEY,

Com'g Depar't of Oregon, Fort Vancouver, W. T.

HEADQUARTERS DEPARTMENT OF OREGON,

Fort Vancouver, W. T., March 3, 1860.

SIR: Your communication of the 1st instant to the general commanding has been received, and I am instructed to state in reply that the Hudson's Bay Company is not recognized as having any possessory rights in the soil of the military reserve, in consequence of the expiration of their charter as a trading company on this coast.

The land in question is needed for military purposes by the command within whose limits it exists. The material of the fences and other fabrications will be placed at your disposition on being removed from the reserve.

I am, sir, very respectfully, your obedient servant,

A. PLEASANTON,

Captain 2d Dragoons, Acting Assistant Adjutant General.

JOHN M. WORK, Esq.,

Agent of the Hudson's Bay Company, Fort Vancouver, W. T.

Proceedings of a board of officers which convened at Fort Vancouver, Washington Territory, pursuant to the following order:

SPECIAL ORDERS, No. 25.—[Extract.]

HEADQUARTERS DEPARTMENT OF OREGON,

Fort Vancouver, W. T., February 28, 1860.

I. A board of officers will convene at Fort Vancouver on the 1st day of March, 1860, at 11 o'clock a. m., or as soon thereafter as prac-

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licable, to examine and report upon the value of certain improvements on the military reserve placed there by the Hudson's Bay Company, in the event of any compensation being allowed for them hereafter by the government.

Detail for the board: Captain A. J. Smith, 1st dragoons; Captain J. A. Hardie, 3d artillery; First Lieutenant Chauncey McKeever, 3d artillery.

By order of General Harney.

A. PLEASANTON,
Captain 2d Dragoons, Acting Asst. Adj. General.

FORT VANCOUVER, WASHINGTON TERRITORY,

March 1, 1860, 11 o'clock a. m.

The board met pursuant to the above order; all the members present. The board then proceeded to examine certain improvements on the military reserve, placed there by the Hudson's Bay Company many years ago, and lying to the west of a line of stakes commencing at a point about eighty yards to the east of the Catholic church, and running from thence, in a southerly direction, to the river. The board find that upon this portion of the reserve there are some four or five hundred yards of fence and eight buildings claimed by the Hudson's Bay Company, (not including the house occupied by Mr. Tubbs, which, the board understand, is not intended to be removed at present.) The board find that the fence is so much decayed as to be of no value, and that the buildings are mere shells, rapidly going to decay, most of them propped up to prevent them from falling down, the only exception being the dwelling-house in front of the depot, (quartermaster's office,) which, although occupied, is in a dilapidated condition.

The board estimate the *total value* of the above improvements at \$250, (two hundred and fifty dollars.)

There being no further business before it, the board adjourned *sine die*.

A. J. SMITH, *President,*
Captain First Dragoons.
CHAUNCEY MCKEEVER, *Recorder,*
First Lieutenant Third Artillery.
JAS. A. HARDIE,
Captain Third Artillery.

HEADQUARTERS DEPARTMENT OF OREGON,
Fort Vancouver, W. T., March 5, 1860.

Approved :

W. S. HARNEY,
Brigadier General, Commanding.

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Remarks of the Quartermaster General of the army, respectfully submitted to the Secretary of War.

The possessory rights of the Hudson's Bay Company could not, under either grant, treaty, or law, extend beyond the term of its charter. Neither the British nor American government could grant the land in fee-simple to anybody during the joint occupancy, and the treaty of 1846 provides only for possessory rights, not for fee-simple anywhere. If the company has a title to any land within our territory, it must be derived from the legislation of Congress subsequent to the treaty. I know of no such legislation, and I believe the company does not pretend that there has been any. I ask the attention of the Secretary of War to my report on a similar case, dated the 18th of August, 1858. These claims will probably be of frequent recurrence, and it is desirable that the question in regard to their extent or validity be authoritatively settled.

TH. S. JESUP,
Quartermaster General.

APRIL 15, 1860.

ADJUTANT GENERAL'S OFFICE,
Washington, May 10, 1860.

GENERAL: Your letter of the 5th of March last to the quartermaster general of the army, enclosing copies of a communication addressed to you under date of March 1, 1860, by John M. Work, esq., agent of the Hudson's Bay Company, of your reply to the same, and of the proceedings of a board of officers convened by you to assess and report the value of the improvements placed on the military reserve at Fort Vancouver by the Hudson's Bay Company, was duly laid before the Secretary of War, and has been referred to this office, with the following indorsement:

"WAR DEPARTMENT, April 30, 1860.

"The Hudson's Bay Company is not recognized as having any right, by law or treaties, to land which it has occupied by virtue of its charter within the limits of Oregon and Washington Territory, its right of occupancy having expired under the treaty between Great Britain and the United States. Its occupancy of any part of the military reserve at Fort Vancouver will at once be terminated, and all improvements removed excepting such as may be useful for the military service.

"J. B. FLOYD,
"Secretary of War."

I have the honor to be, general, very respectfully, your obedient servant,

E. D. TOWNSEND,
Assistant Adjutant General.

Brigadier General W. S. HARNEY,
Comm'g Dep't of Oregon, Fort Vancouver, W. T.

[By telegraph to St. Joseph, Missouri, and then by pony express to California.]

ADJUTANT GENERAL'S OFFICE,
Washington, June 7, 1860.

The Secretary of War directs that the execution of the instructions conveyed in my letter to you of May 10 ultimo, respecting the claims of the Hudson's Bay Company to land and improvements at Fort Vancouver, be suspended until further orders from the War Department.

E. D. TOWNSEND,
Assistant Adjutant General.

COMMANDING OFFICER DEPARTMENT OF OREGON,
Fort Vancouver, Vancouver, W. T.

U. S. NORTHWEST BOUNDARY COMMISSION,
Camp Semiahmoo, March 10, 1860.

SIR: I have the honor to acknowledge the receipt of your letter of the 13th ultimo, enclosing the copy of special orders No. 19, providing for the escort of the boundary commission during the coming season.

From Mr. Parke's statement of the circumstances which induced the suggestion upon which you based the order, I do not doubt the change in the arrangement of the escort is judicious, and that the efficiency of our future operations will be thereby promoted. At the same time I take pleasure in expressing my entire satisfaction with the services of the escort under the command of Captain Archer, as arranged by you during the past season; and as a means of conveying to you the high sense I entertain of the efficiency of these services, and of the general arrangements made by you for the aid and protection of the commission, I take the liberty of enclosing, for your perusal, a copy of my report to the State Department upon the close of the operations of the past year.

I beg also to offer you my thanks for your comprehensive and satisfactory orders to the commanding officer in Colville valley, in regard to the necessary transportation, supplies, &c., to be furnished the commission agreeably to the instructions of the War Department, and will avail myself of your suggestion concerning supplies required by the commission which may not be embraced in the army ration.

I have the honor to be, sir, very respectfully, your obedient servant,
ARCHIBALD CAMPBELL,

Commissioner Northwest Boundary Survey.

Brigadier General W. S. HARNEY,
U. S. A., Commanding Department of Oregon.

HEADQUARTERS DEPARTMENT OF OREGON,
Fort Vancouver, March 24, 1860.

This communication and enclosure are respectfully transmitted for the information of the War Department.

WM. S. HARNEY,
Brigadier General, Commanding.

U. S. NORTHWEST BOUNDARY COMMISSION,
Camp Semiahmoo, W. T., December 31, 1859.

I have the honor herewith to transmit, for the information of the department, Lieutenant Parke's report of the progress of the survey of the boundary along the 49th parallel between the United States and the British possessions, during the past year. It will be seen thereby that notwithstanding physical obstacles of a formidable character, the survey has been carried eastward as far as the Columbia river, in accordance with the plan of operations determined upon at the commencement of the season. By unofficial advices from Lieutenant Parke, as late as the 22d of November, I learn that an astronomical and a reconnoitering party were at that time still in the field, although the thermometer had been down to 10° below zero. Before this time, however, it is probable that snows have driven them into their winter quarters at Colville Depot, the military station recently established in the vicinity of the 49th parallel. From that point it will be convenient to carry on reconnoissances along the line towards the Rocky mountains, whenever an opportunity is afforded by favorable weather, before the full resumption of operations in the spring.

The success of our operations during the past season has been greatly facilitated by the admirable arrangements of the commanding general of the department of Oregon for the protection of our parties in their laborious progress along the line, over a rugged mountainous region hitherto unexplored, and through a portion of country occupied by the most warlike and hostile tribes of Indians in Washington Territory. The mere presence of United States troops for the first time on that remote and secluded frontier, had the moral effect to quiet and overawe them into submission, and thereby enable the commission to carry on the work more vigorously by detaching small parties on distant surveys and reconnoissances without apprehension of disaster.

The aid and protection thus rendered by General Harney is highly appreciated by the commission, and it gives me great pleasure to communicate to the department the result of the co-operation of that distinguished officer.

I have the honor to be, very respectfully, your obedient servant,
ARCHIBALD CAMPBELL,

Commissioner Northwest Boundary Survey.

Hon. LEWIS CASS,
Secretary of State.

HEADQUARTERS DEPARTMENT OF OREGON,
Fort Vancouver, W. T., March 13, 1860.

COLONEL: With the detachment of recruits asked for in my communication of the 2d instant, a number of musicians should be included, to replace those of the ninth infantry to be discharged.

Major Ingenbeel, at Colville, states the four companies of his command will require seven buglers, and the same will doubtless be the case with the remaining companies of that regiment, which, being organized as light infantry, require buglers as musicians.

I am, colonel, very respectfully, your obedient servant,

WM. S. HARNEY,

Brigadier General, Commanding.

Colonel S. COOPER,

*Adjutant General United States Army,
Washington City, D. C.*

HEADQUARTERS DEPARTMENT OF OREGON,
Fort Vancouver, W. T., April 4, 1860.

COLONEL: I have the honor to enclose charges and specifications against First Lieutenant Henry C. Hodges, adjutant 4th infantry, for the action of the War Department.

I am, colonel, very respectfully, your obedient servant,

W. S. HARNEY,

Brigadier General, Commanding.

Colonel S. COOPER,

Adjutant General, Washington City, D. C.

Charges and specifications exhibited against First Lieutenant Henry C. Hodges, adjutant 4th infantry, by Brigadier General William S. Harney, United States army, commanding the department of Oregon.

CHARGE 1ST: *Neglect of duty.*

Specification.—In this: that he, First Lieutenant Henry C. Hodges, adjutant of the 4th regiment of infantry, and judge advocate of a general court-martial, did neglect and fail to transmit, in a proper manner, the proceedings of said court to the officer having authority to confirm the same, Brigadier General W. S. Harney, United States army, the commander of the department of Oregon.

This at Fort Vancouver, W. T., on or about the 14th day of March, 1860.

CHARGE 2D: *Disrespect to his commanding officer.*

Specification.—In this: that he, First Lieutenant Henry C. Hodges, adjutant of the 4th regiment of infantry and judge advocate of a general court-martial, on being ordered to transmit the proceedings of said court in a proper manner, did forward the same, with an im-

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proper and disrespectful letter to his commanding officer, Brigadier General W. S. Harney, commander of the department of Oregon.

This at Fort Vancouver, W. T., on or about the 15th day of March, 1860.

W. S. HARNEY,

Brigadier General, Commanding.

Witnesses:

Brig. Gen'l W. S. HARNEY, *United States Army.*

Captain A. PLEASANTON, *2d Dragoons.*

Indorsement of the judge advocate of the army.

No judgment can be had on these papers, whether a court ought to be ordered. The first charge does not say whether he did or did not transmit the proceedings, &c., and no copy is given of the disrespectful letter.

Respectfully submitted.

J. F. LEE,

Judge Advocate.

FORT VANCOUVER, WASHINGTON TERRITORY,

March 28, 1860.

SIR: I send to the lieutenant general commanding the army the enclosed papers *direct*, for the following reasons:

On the 23d instant I sent my appeal to the commanding officer of this post, Captain A. J. Smith, 1st dragoons, to be forwarded through the commanding general of this department to Lieutenant General Scott. He, Captain Smith, returned it on the 24th instant with this indorsement: "Respectfully returned, as your (my) previous communications to the headquarters of this department, forwarded through me, have not yet been acted upon by the commanding general."

As *this* matter was totally different from the one he referred to, I again asked him to forward my appeal, and he promised to do so; but before he could send it he received a communication from the headquarters of this department forbidding me to send to those headquarters any further communications in reference to my arrest, nor any communications upon any other subject, without first obtaining permission to do so, and stating the nature of the subject I wished to refer. A copy of this letter I enclose, marked C. I accordingly withdrew my appeal until I could find out whether the general commanding would forward it or not; and on the 25th instant I addressed a communication to him, (a copy of this is enclosed, marked E,) desiring to know if he would forward certain papers to your headquarters, and stating the nature of these papers. To this I received a letter, (copy marked D,) on the 27th instant, *placing me in close arrest*, and forbidding me to send any more communications to those headquarters while I was in arrest. Further, the commanding officer of this post considers that he is prohibited from forwarding my appeal by

this last-mentioned letter. I state this to show to the lieutenant general that I have done all in my power to comply with the regulation which requires me to forward all my letters through "intermediate commanders." I now send them direct.

I can't but feel that this last act of General Harney's, in placing me in *close arrest* for doing what his letter required me to do, *i. e.*, getting permission to forward communications, is "tyrannical" in the extreme: contrary to the spirit of the Regulations for the Army, paragraphs 212, 213, and oppressive.

I lay this whole matter before my commander-in-chief for his action, believing he will see that I am protected in my rights and redressed for the injury done me.

I am, sir, very respectfully, your obedient servant,

HENRY C. HODGES,

1st Lieutenant and Adjutant 4th Infantry.

Lieut. Colonel L. THOMAS,

A. A. General, Headquarters of the Army,

New York City, New York.

Remarks of the General-in-Chief.

MAY 10, 1860.

I solicit the Secretary's close attention to this case. I am greatly mistaken if an instance of tyranny so useless and vexatious ever occurred in our army before.

On Brigadier General Harney's letter to the Secretary of War (asking for a court) the judge advocate (Major Lee) indorses: "No judgment can be had on these papers (herewith) whether a court ought to be ordered," &c. "No copy is given of the disrespectful letter." Please see the alleged disrespectful letter transmitted to me with this appeal. It is nowhere stated in what particular the letter was deemed disrespectful; perhaps in omitting before the name of the staff officer the prefix *captain*. In everything else Lieutenant Hodges was courteous and respectful. Is it not intolerable despotism that for such slight and probably accidental omission the gallant adjutant of the 4th infantry and intelligent judge advocate of a general court-martial should be put into close confinement, like a felon, for months, and denied all communication with higher authority?

I trust that a court may be refused, and, but for application to the Secretary for one, I should instantly order Lieutenant Hodges to be relieved from arrest.

Respectfully submitted to the Secretary of War.

WINFIELD SCOTT.

P. S.—I ought to add that there have been more arrests by Brigadier General Harney and his immediate friends since he has been on the Pacific than perhaps ever occurred before in twice the number of troops in the same time.

W. S.

FORT VANCOUVER, WASHINGTON TERRITORY,

March 23, 1860.

SIR: I have to lay before the commander-in-chief of the army the following statement, on which I ask his action, as I consider I have been treated with great indignity, and have been subjected to this indignity for no offence whatever.

On the 15th instant I was arrested by the commanding officer of this post, by direction of the commanding general of this department, and required to confine myself within the limits of this garrison.

A few days ago I, upon application, was informed of the cause for which I was arrested. A copy of the letter giving me this information I enclose, marked A. I also enclose a copy of my letter of transmittal, marked B. I will say, in reference to this last-mentioned copy, that it is correct, except, perhaps, in one particular; I do not remember now whether I put in the words "Headquarters, Department of Oregon," after the "A. A. A. G.," or not; not that I conceive that it is at all material whether I did or no, but I simply make this explanation as to the *exactness* of the copy. I kept no copy, as at the time I wrote the letter I never expected to hear of it again.

From the course pursued towards me by the general commanding this department in this matter, I do appeal, and I do deny that I have, in all this matter, ever given one cause for my arrest. Conscious of having forwarded the proceedings of the court properly in every sense of the word, and according to the manner contemplated by the regulations; conscious, too, that there is not a syllable in my letter of transmittal which can be construed into anything at all disrespectful; and feeling that I have been wronged and injured by being arrested in the manner I have, and feeling that the conduct of the general commanding this department towards me in this matter is "tyrannical" in the sense and meaning of paragraph three of the regulations of 1857, for the army, I do make this my appeal to the lieutenant general commanding the army with the hope and belief that he will see that I am relieved from and redressed for this, as I conceive, injury done me by the commanding general of this department.

It may be proper to state that I took the proceedings of the court to the office of the acting assistant adjutant general in person; he not being in I put them in an envelope, directed them, and left them on his desk. They were soon after returned to me to be sent with a letter of transmittal, which I did.

I am, sir, very respectfully, your obedient servant,

HENRY C. HODGES,

First Lieutenant and Adjutant 4th Infantry.

Lieutenant Colonel L. THOMAS,

A. A. G., Headquarters of the Army, New York City, N. Y.

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"A."

HEADQUARTERS DEPARTMENT OF OREGON,
Fort Vancouver, W. T., March 21, 1860.

CAPTAIN: The general commanding instructs you to inform First Lieutenant H. C. Hodges, adjutant of the 4th infantry, he was arrested for neglect of duty as judge advocate of a general court-martial, in not transmitting properly the proceedings of the court to the general commanding, which conduct he rendered more aggravated when required to correct this neglect by transmitting a disrespectful letter with the proceedings to these headquarters.

I am, captain, very respectfully, your obedient servant,
A. PLEASANTON,
Captain 2d Dragoons, A. A. A. G.

COMMANDING OFFICER,
Fort Vancouver, W. T.

HEADQUARTERS, FORT VANCOUVER,
March 21, 1860.

Official:

A. J. SMITH,
Captain 1st Dragoons, Commanding.

I certify that the above is a true and exact copy of the paper furnished me.

HENRY C. HODGES,
First Lieutenant and Adjutant 4th Infantry.

"B."

FORT VANCOUVER, W. T., *March 15, 1860.*

SIR: Enclosed you will find the proceedings of a general court-martial.

I am, sir, very respectfully, your obedient servant,
HENRY C. HODGES,
First Lieutenant and Adjutant 4th Infantry, Judge Advocate.
A. PLEASANTON, A. A. A. G.,
Fort Vancouver, W. T.

It may be that I put in the words "Headquarters Department of Oregon" after A. A. A. G.; I don't remember about this. As for the rest, I certify this is a correct copy.

HENRY HODGES,
First Lieutenant and Adjutant 4th Infantry.

"C."

HEADQUARTERS DEPARTMENT OF OREGON,
Fort Vancouver, W. T., March 24, 1860.

CAPTAIN: The communication of First Lieutenant H. C. Hodges, adjutant 4th infantry, of the 21st instant, has been submitted to the general commanding, who directs me to say your action in the case complained of is approved.

Lieutenant Hodges will be instructed not to send any further communications to these headquarters in reference to the extension of his limits of arrest, nor upon any other subject, without first requesting permission to do so, and at the same time stating the nature of the case he desires to refer.

I am, captain, very respectfully, your obedient servant,

A. PLEASANTON,

Captain 2d Dragoons, A. A. A. G.

COMMANDING OFFICER,

Fort Vancouver, W. T.

Official:

R. MACFEELY,

First Lieutenant 4th Infantry, Acting Adjutant.

I certify that the above is a correct copy of the paper furnished me.

HENRY C. HODGES,

First Lieutenant and Adjutant 4th Infantry.

"D."

HEADQUARTERS DEPARTMENT OF OREGON,
Fort Vancouver, W. T., March 27, 1860.

COLONEL: The general commanding instructs you to limit the arrest of First Lieutenant H. C. Hodges, adjutant 4th infantry, to his quarters, and no further communications from that officer will be forwarded to these headquarters while he is in arrest.

I am, colonel, very respectfully, your obedient servant.

A. PLEASANTON,

Captain 2d Dragoons, Acting Assistant Adjutant General,

COMMANDING OFFICER,

Fort Vancouver, Washington Territory.

ADJUTANT'S OFFICE, Fort Vancouver, W. T.

Official:

R. MACFEELY,

First Lieutenant 4th Infantry, Acting Adjutant.

I certify the above is a correct copy of the paper furnished me.

HENRY C. HODGES,

First Lieutenant and Adjutant 4th Infantry.

"E."

FORT VANCOUVER, W. T., *March 25, 1860.*

SIR: I desire to know if the commanding general of this department will forward to the lieutenant general commanding the army the papers mentioned below, viz:

1st. An appeal from the course of the commanding general of the department in arresting me.

2d. An appeal from the decision of the commanding general of this department sustaining the commanding officer of this post in refusing to forward letters on "official business."

I am, sir, very respectfully, your obedient servant,

HENRY C. HODGES,

First Lieutenant and Adjutant 4th Infantry.

Captain A. PLEASANTON,

Second Dragoons, A. A. A. G., Fort Vancouver, W. T.

A correct copy.

HENRY C. HODGES,

First Lieutenant and Adjutant 4th Infantry.

ADJUTANT GENERAL'S OFFICE,
Washington, May 18, 1860.

GENERAL: Your letter of the 4th ultimo, transmitting charges and specifications against First Lieutenant Henry C. Hodges, adjutant 4th infantry, is received; also an appeal by him to General Scott.

The Secretary does not, from the papers submitted by you, see that the lieutenant has committed any offence, and therefore directs that he be discharged from arrest until the further order of the department. In the meanwhile, and to enable the Secretary to give a final order in the matter, he desires you to explain wherein there was a breach of duty on the part of the lieutenant in transmitting the court-martial record; 2d, in what his letter was disrespectful; 3d, what aggravated circumstances (Army Regulations, paragraph 213) made it necessary to put an officer in close confinement for so long a period; and, 4th, the reasons for which you denied to him the right of writing to you in the ordinary mode on his official business.

I have the honor to be, general, very respectfully, your obedient servant,

E. D. TOWNSEND,

Assistant Adjutant General.

Brigadier General W. S. HARNEY,

U. S. Army, Commanding Department of Oregon,

Fort Vancouver, Washington Territory.

FORT VANCOUVER, *W. T.*, April 18, 1860.

SIR: I have to inform the lieutenant general commanding the army that I have been in *close arrest* three weeks and one day, and that I believe General William S. Harney, the commanding general of this department, will not extend my limits unless he is positively ordered to do so, as he has forbidden me to communicate with him on any subject whatever; and I do therefore respectfully request that General Scott will see that I am allowed to go beyond my present confined limits, which are oppressive and contrary to regulations, custom, and humanity.

I am, sir, very respectfully, your obedient servant,

HENRY C. HODGES,

First Lieutenant and Adjutant 4th Infantry.

Lieutenant Colonel L. THOMAS,

Assistant Adjutant General,

Headquarters of the Army, New York City, New York.

Indorsement of the General-in-Chief.

I am aware that Lieutenant Hodges has been released from arrest, and it is hoped some redress may be accorded to him for an act of stupid outrage which has never been surpassed even in the Turkish army.

Respectfully submitted to the Secretary of War.

WINFIELD SCOTT.

HEADQUARTERS DEPARTMENT OF OREGON,

Fort Vancouver, Washington Territory, April 11, 1860.

SIR: I have the honor to enclose, for the information of the general-in-chief, a copy of a communication from Captain L. C. Hunt, fourth infantry, commanding on San Juan island, forwarding a copy of the orders of Rear Admiral Baynes, commanding her Britannic Majesty's naval forces in the Pacific, to the officer commanding a detachment of royal marines landed on San Juan by the orders of the admiral.

I have the honor, also, to enclose a copy of a communication from certain citizens on San Juan, complaining of Captain Hunt's conduct towards them. The captain has not reported his acts to this office, and the fact of his being inimical to a portion of the inhabitants of the island, under present circumstances, has decided me to replace Captain Pickett's company upon the island, with such instructions as are necessary to meet the requirements of the service, a copy of which is also enclosed.

In consequence of the expense attending the maintenance of the position at Fort Townsend, and its want of usefulness in a military

point, I have directed the company there to be withdrawn to Fort Steilacoom.

I am, sir, very respectfully, your obedient servant,
W. S. HARNEY,
Brigadier General, Commanding.

The ASSISTANT ADJUTANT GENERAL,
Headquarters of the Army, New York City.

CAMP PICKETT, SAN JUAN ISLAND,
March 27, 1860.

SIR: I have the honor to state, for the information of the commanding general of the department, that a detachment of British marines has been landed upon the north end of the island, conformably to the proposition of Lieutenant General Scott, for establishing a joint military occupation.

From the tenor of my instructions and the papers furnished for my guidance, I consider it my duty simply to announce the fact, and await the orders of the commanding general of the department upon the subject.

I enclose herewith a copy of the communication of Rear Admiral Baynes, accompanied by an extract from the orders furnished by Captain Bazalgette, commanding the detachment. I beg to call the attention of the commanding general to the fact that while the British commanding officer has full power, plain and definite instructions by which my complaints to him of British subjects would be promptly acted upon, I am without such instructions as regards his complaints, (and liquor dealing will be very certain to produce them.) General Scott's instructions to me seem to acknowledge (to a certain extent) territorial jurisdiction, but in all probability there will be no magistrate upon the island, (the present magistrate, Mr. Newsom, has just resigned,) and even if there should be, juries will find verdicts for the offenders, implying independence of Whatcom county jurisdiction. This has been shown lately in the cases of two persons tried for liquor dealing, unlicensed. The fact is that a great many of the persons upon the island are vagabonds, of no particular nationality, or of any, as it may suit their purpose, and it seems a great scandal that no power, civil or military, should be operative to keep them in order.

It certainly seems that Whatcom county jurisdiction should apply fully (to American citizens) or else that which I am quite sure the *bona fide* settlers and well-disposed citizens would prefer, military authority, so long as the present anomalous condition of affairs shall exist.

Under all these circumstances of the case, and as the best solution of future difficulties, I respectfully request that the commanding gen-

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eral would furnish me with instructions analagous to those possessed by Captain Bazalgette.

I am, sir, very respectfully, your obedient servant,

L. C. HUNT,

Captain 4th Infantry, Commanding.

Captain ALFRED PLEASANTON,

2d Dragoons, A. A. A. General, Fort Vancouver, W. T.

HER BRITANNIC MAJESTY'S SHIP "GANGES,"

In Esquimault Harbor, March 20, 1860.

ISLAND,
27, 1860.

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SIR: I have the honor to inform you that a detachment of royal marines, with their appropriate arms, equivalent in number to the troops of the United States under your command, will be disembarked on the north joint of the Island of San Juan for the purpose of establishing a joint military occupation, agreeably to the proposition of Lieutenant General Scott.

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The annexed extract from the orders I have given to Captain Bazalgette, the officer commanding, I beg to furnish for your information.

I have the honor to be, sir, your obedient servant,

R. LAMBERT BAYNES,

Rear Admiral and Commander-in-Chief of Her Britannic

Majesty's Naval Forces in the Pacific.

Captain HUNT,

Commanding United States troops, San Juan Island.

[Extract.]

"The object of placing you there, is for the protection of British interests and to form a joint military occupation with the troops of the United States.

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"As the sovereignty of the island is still in dispute between the two governments, you will on no account interfere with the citizens of the United State; but should any offence be committed by such citizens, which you may think it advisable to notice, you will send a report of it to Captain Hunt, or officer commanding the United States troops.

"American citizens have equal rights with British subjects on the island.

"Should the officer commanding the United States troops bring to your notice offences committed by any of her Britannic Majesty's subjects, you will use your best judgment in dealing with the case; and I authorize you, if you deem it necessary, to send them off the island by the first opportunity.

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"If any doubts arise as to the nationality of an offender, you will not act in the case before you have consulted with the United States commanding officer; and not even then, unless your opinions coincide.

H. Ex. Doc. 98—2

"You will place yourself in frank and free communication with the commanding officer of the United States troops, bearing in mind how essential it is for the public service that the most perfect and cordial understanding should exist between you, which I have every reason to feel assured you will at all times find Captain Hunt ready and anxious to maintain

"ROBERT LAMBERT BAYNES,

"*Rear Admiral and Commander-in-Chief.*

"Captain GEORGE BAZALGETTE,

"*Royal Marines, Commanding*

"*Detachment on the Island of San Juan.*"

SAN JUAN ISLAND, March 7, 1860.

GENERAL: We, the undersigned citizens of this island, beg respectfully to call your attention to the gross and ungentlemanly conduct of Captain Hunt, the officer in command of this station. We ask if he is justified as a military man to infringe on the rights and privileges of American citizens? Is he justified in stopping trade, and endeavoring to drive the inhabitants from the island? Such conduct he is guilty of, and, unless immediate steps are taken to prevent any further outrage on his part, not only the service to which he belongs, but the dignity of the country, who boasts her liberty of the subject, will be compromised. By his recent conduct the whole of the inhabitants of this island have been insulted, their provision as tradesmen and citizens lowered, and he himself become an object of contempt. We, therefore, respectfully ask your attention to this appeal, and trust that either a more sane and proper officer may replace the one now in command, or steps may be taken to prevent any further inquisitorial and unjust interference on his part.

With profound respect, we beg to subscribe ourselves, general, your most obedient servants,

D. W. DARLING.

J. S. BOWKER.

B. M. KENNELLY.

N. BAKER.

FRANK CHANDLER.

DENNIS MCCARTHY.

GEORGE BORDEW.

JOHN SMYTH.

JAMES FRAZER.

HEADQUARTERS DEPARTMENT OF OREGON,
Fort Vancouver, W. T., April 10, 1860.

CAPTAIN: You will perceive by special orders No. 41, of this date, a copy of which is enclosed, that the general commanding has replaced you in command of your company on Sand Juan island.

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For your information in this position, you will receive, as accom-
panying papers, the correspondence and instructions of Lieutenant
General Scott, with reference to San Juan island, with an extract
from the orders of Rear Admiral Baynes commanding her Britannic
Majesty's naval forces in the Pacific, to Captain George Bazalgette, of
the royal marines, commanding a detachment of royal marines, landed
on San Juan island by the consent of General Scott.

These orders of Admiral Baynes communicate to his officer that he
is placed on the island for the protection of British interests, and to
form a joint military occupation with the troops of the United States.

To meet these orders of the admiral and to remove any misconcep-
tion on the part of the British authorities as to your duties, I am
directed to impart to you the following explanations and requirements
of the general commanding, a copy of which you will furnish Captain
Bazalgette for the information of Rear Admiral Baynes.

First. Lieutenant General Scott has left no orders or instructions
with the general commanding to grant a joint military occupation of
San Juan island with British troops; neither has any authority been
delegated by the government of the United States to the general to
offer or accept such occupation of that island. The offer made by
General Scott, when in command here, was not accepted by Governor
Douglass at the time, and consequently concluded that transaction.

No arrangement has been made since to renew it, within the
knowledge of the general commanding.

Second. The British authorities having submitted the assurance to
General Scott that no attempt would be made by them to dislodge
by force the United States troops on San Juan island, they were per-
mitted to land troops for similar purposes to which your command
was designed in the original orders conveyed to you in July last, viz:
the protection of our citizens from Indians, both native and foreign.

In connexion with this service, the general commanding takes occa-
sion to present you to Admiral Baynes and the officers with whom
you will be brought in contact, as an officer possessing his highest
confidence, that nothing will be omitted in maintaining a frank and
generous intercourse in all matters coming within your powers to
establish a practical solution of the present misunderstanding, which
shall prove honorable and satisfactory to all parties until a final set-
tlement is attained by the governments.

Third. Under the organic act of the Congress of the United States
for the establishment of the territorial government of Washington, the
first legislative assembly in 1854 passed an act including the island of
San Juan as a part of Whatcom county. This act was duly submitted
to Congress, and has not been disapproved; it is therefore the law
of the land.

You will be obliged consequently to acknowledge and respect the
civil jurisdiction of Washington Territory in the discharge of your
duties on San Juan; and the general commanding is satisfied that any
attempt of the British commander to ignore this right of the Territory
will be followed by deplorable results, out of his power to prevent or
to control.

The general commanding will inform the governor of Washington Territory that you are directed to communicate with the civil officer on the island in the investigation of all cases requiring his attention. In the event of any British interests being involved, you will notify the officer placed there by Admiral Baynes, to enable him to propose some arrangement satisfactory to his instructions as well as those of the civil officer. Let it be understood, in case of disagreement of these parties, that no action is to be taken until the case has been referred to Admiral Baynes and the governor of Washington Territory, respectively.

These suggestions will be acceptable to the conditions which govern the territorial authorities of Washington, while satisfying the obligations of the military service to their own as well as the civil laws of the country, and it is fair to presume they will be adopted by Admiral Baynes, since the tenor of his instructions to Captain Bazalgette is sufficiently liberal to justify this conclusion.

I remain, captain, very respectfully, your obedient servant,

A. PLEASANTON,

Captain 2d Dragoons, A. A. Adjutant General.

Captain GEORGE A. PICKETT,

Commanding Company "D," 9th Infantry,

Fort Bellingham, Puget's Sound, W. T.

[Special Orders—No. 41.]

HEADQUARTERS DEPARTMENT OF OREGON,

Fort Vancouver, W. T., April 10, 1860.

I. The following disposition of troops on Puget's Sound will take effect without delay, viz:

1. Company "D," 9th infantry, Captain George Pickett, will replace Company "C," 4th infantry, at Camp Pickett, San Juan island.

2. Company "C," 4th infantry, on being relieved, will proceed to Fort Steilacoom, to which post it is assigned for duty.

3. Company I, 4th infantry, at Fort Townsend, will be withdrawn to Fort Steilacoom.

II. The steamer "Massachusetts" will be used in the execution of these orders, under such special instructions as will be given.

By order of General Harney:

A. PLEASANTON,

Captain 2d Dragoons, A. A. Adjutant General.

HEADQUARTERS DEPARTMENT OF OREGON,

Fort Vancouver, W. T., April 10, 1860.

GOVERNOR: I have the honor to enclose an extract of the orders of Rear Admiral Baynes, commanding her Britannic Majesty's naval

forces on the Pacific, to the officer in command of a detachment of royal marines, landed on San Juan island; also a copy of my orders replacing Captain Pickett's company on San Juan, with his instructions in that position.

These papers will explain to you the state of affairs at San Juan, and I beg leave to say, I have the fullest assurances that your action in the premises will be of the most satisfactory character in support of the different interests depending upon it.

I am, governor, very respectfully, your obedient servant,

W. S. HARNEY,

Brigadier General, Commanding.

His Excellency R. D. GHOLSON,

Governor of Washington Territory, Olympia, W. T.

Remarks of the General-in-Chief.

These papers are important:

1. Brigadier General Harney has substituted Captain Pickett for Captain Hunt in the command at the San Juan island—reversing my act. My reason for substituting Hunt for Pickett was this: Pickett, on landing on the island, in July, 1859, under the orders of Harney, issued a proclamation declaring the island to belong to the United States, and containing (I speak from memory) other points or language extremely offensive (as I learned) to the British authorities; and, as my mission was *one of peace*, I thought it my duty to substitute Hunt for Pickett after I had named Pickett for the command. Hunt (as our officers informed me) was remarkable for firmness, discretion, and courtesy. (The Secretary of State can, probably, confirm this character of Hunt.)

2. It will be seen by Brigadier General Harney's instructions to Pickett, of the last month (herewith,) that Harney considers San Juan island *as a part of Washington Territory*, and Pickett is directed "to acknowledge and respect" the *authority of that Territory*. If this does not lead to a collision of arms, it will again be due to the forbearance of the British authorities; for I found both Brigadier General Harney and Captain Pickett proud of their *conquest* of the island, and quite jealous of any interference therewith on the part of higher authority. I beg it may further be remembered that I intimated a doubt to the War Department whether Brigadier General Harney would carry out my pacific arrangement, respecting the occupation of the island, with good faith, or even with courtesy, and hence one of my reasons for wishing to relieve him from his command.

Respectfully submitted to the Secretary of War.

WINFIELD SCOTT.

MAY 14, 1860.

WAR DEPARTMENT, June 8, 1860.

The adjutant general will order Brigadier General Harney to repair to Washington city without delay.

JOHN B. FLOYD,
Secretary of War.

[Special Orders—No. 115.]

WAR DEPARTMENT,
Adjutant General's Office, Washington, June 8, 1860.

Brigadier General William S. Harney, United States army, will, on the receipt hereof, turn over the command of the department of Oregon to the officer next in rank in that department, and repair without delay to Washington city, and report in person to the Secretary of War.

By order of the Secretary of War:

S. COOPER,
Adjutant General.

CAMP PICKETT, SAN JUAN ISLAND,
April 24, 1860.

MY DEAR SIR: I drop a line in hopes that it may go by the mail steamer, now in the Sound, to mention the receipt of orders from department headquarters breaking up Fort Townsend and Fort Bellingham, and sending Captain Pickett to replace me, who will return to Fort Steilacoom. No cause is assigned for this disturbance of the arrangements made by the general-in-chief, and as the department order comes simultaneously with the arrival of the War Department order abandoning Fort Bellingham, I presume the movement has been intended for a long time past, and the War Department order procured for the purpose of carrying it out.

In the anomalous situation of the island, with the jurisdiction undetermined, and my orders general in their character, my command has been a delicate and difficult one, and it has been, in general, my aim to avoid any pretext for fault-finding to those who I knew were eagerly seeking it. I have not been altogether successful, as will be seen by the correspondence enclosed, which I forward as giving a history, as it were, of matters upon the island, and as showing the animus of department headquarters towards me. I have no doubt, however, that the replacing of Captain Pickett's company upon the island is quite independent of complaints of me, that it has long been contemplated.

The order comes at a most inconvenient time; gardens just planted; while four companies are sent to a post having accommodations for three only, and excellent quarters left vacant at Fort Townsend.

I remain, sir, very respectfully, your obedient servant,

L. C. HUNT,

Captain Fourth Infantry, Commanding.

Major E. D. KEYES,

Military Secretary.

Indorsement of the General-in-Chief.

I deem it my duty, in defence of a gallant and excellent officer, (Captain Hunt,) most unjustly accused by Brigadier General Harney, to make this letter and its five enclosures public. It will be seen that Captain Hunt's defence is most triumphant.

Respectfully submitted to the Secretary of War.

WINFIELD SCOTT.

JUNE 14, 1860.

HEADQUARTERS DEPARTMENT OF OREGON,

Fort Vancouver, W. T., March 21, 1860.

CAPTAIN: The enclosed copy of a communication from citizens of San Juan island to the general commanding is transmitted for your information, and I am instructed to say you will report without delay to these headquarters whatever action you have taken against the citizens of San Juan island.

You are directed by the general commanding not to interfere with the trade of our citizens in any way, except the one prohibition of selling liquor to Indians, nor will you throw any impediment in the way of persons coming to or leaving the island.

You will make a full and complete report to these headquarters of all your actions affecting citizens up to this time, and hereafter you will take no steps regarding them without reporting the same immediately to this office.

I am, captain, very respectfully, your obedient servant,

A. PLEASANTON,

Captain Second Dragoons, A. A. A. General.

Captain L. C. HUNT,

Fourth Infantry, commanding Camp Pickett,

San Juan Island, Washington Territory.

SAN JUAN ISLAND,

March 7, 1860.

GENERAL: We, the undersigned, citizens of this island, beg respectfully to call your attention to the gross and ungentlemanly conduct of Captain Hunt, the officer in command of this station. We ask if he

is justified as a military man to infringe on the rights and privileges of American citizens? Is he justified in stopping trade, and endeavoring to drive the inhabitants from the island? Such conduct he is guilty of; and, unless immediate steps are taken to prevent any further outrage on his part, not only the service to which he belongs but the dignity of the country who boasts her liberty of the subject will be compromised. By his recent conduct the whole of the inhabitants of this island have been insulted; their position as tradesmen and citizens lowered; and he himself become an object of contempt. We, therefore, respectfully ask your attention to this appeal, and trust that either a more sane and proper officer may replace the one now in command, or steps may be taken to prevent any further inquisitorial and unjust interference on his part.

With profound respect, we beg to subscribe ourselves, general, your obedient servants,

D. W. DARLING.
J. S. BOWKER.
R. H. KENNELLY.
N. BAKER.
MILBREY DAY.
FRANK CHANDLER.
DENNIS MCCARTHY.
GEORGE BORDEW.
JOHN SMYTH.
JAMES FRAZER.

The foregoing was written by a young Englishman from Victoria, whose knowledge of drugs induced me to place him in the hospital, with the view of enlisting him, perhaps, as hospital steward. He proved trifling and tricky, and was sent off.

L. C. HUNT, Captain, &c.

CAMP PICKETT, SAN JUAN ISLAND,
March 30, 1860.

CAPTAIN: I have the honor to acknowledge the receipt of your communication of the 21st instant, enclosing another which purports to come from citizens of San Juan island complaining of my conduct as commanding officer on the island.

I regret being obliged to notice, in any manner, a statement couched in such language, and conveying charges so incredible. It is unnecessary, I am sure, for me to deny that I have interfered with "trade" or "tradesmen" beyond the fact of taking action in behalf of the citizens of San Juan island against a number of transient persons, illicit liquor dealers, who had been complained of in the strongest terms by the real settlers, who lived by dealing poison to my men, and who all, without exception, I believe, have no other stake upon the island than that arising from their ill-gotten gains. I recognize the names of three individuals (and their creatures) who are indig-

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nant that I should have interfered with their "trade," however illegal.

For the information of the commanding general and to give him the fullest proofs of the embarrassing position I occupy, unless I choose to shut my eyes to the evils existing upon the island, and attempt no remedy, I beg to forward the statement of Mr. Newsom, late magistrate on the island, as also a petition from the *bona fide* settlers. In the present anomalous position of the island all sorts of opinions are held by even the residents as to jurisdiction and authority. They are opposed to Whatcom county jurisdiction in whole or in part, alleging certain grievances. Many of the citizens think that until the question of title is settled the island is properly under military jurisdiction, and would be glad to have it so declared.

I understood from Judge Fitzhugh last December, that in his opinion I had full power to act against evil-doers in general; and "if I found difficulty in that, to arrest them and send them over to him." In the absence of any fixed and definite jurisdiction, opinions being various, and my instructions general in their character, I have been obliged to act as cases arose, according to circumstances and my judgment.

At the suggestion, and by the advice of Mr. Crosbie, then magistrate, to whom I applied for action against the nuisance of two whisky shanties in the immediate neighborhood of my camp, I published an order on the 16th of December declaring the military reserve to embrace an area of four square miles, and directed Frank Chandler and his partner, Dennis McCarthy, and Frazer (understood since to be a British subject) to remove their respective nuisances, giving them the privilege of joining their liquor dealing brethren in "town," which they promptly accepted. The same order forbade, under penalty of prosecution, the trading or having in possession soldiers' clothing, a practice which had been carried to a great extent by the liquor dealers, a special shop at Victoria for their sale having been kept supplied. Subsequently, James Frazer, who had been permitted to occupy his shanty on the promise of abstaining from liquor traffic, was detected in lying, a number of bottles of liquor destroyed which he had kept concealed beneath his flooring, whereupon he again retired to the "town." Drunkenness increasing, I determined that the authors of the mischief should not go on with impunity. I preferred to make use of civil action when possible, rather than take the shorter method of acting upon my "reserved" rights, and brought suit against Bowker, Chandler, and Frazer. The first two only were tried, and the jury, in the face of the facts, acquitted. A German Jew, whose establishment was the greatest nuisance of all, who had repeatedly declared his intention of a speedy removal, I made an example of by directing him to remove his liquors off the "reserve." It so happened that the order was simultaneous with the arrival of the Jew's boat for the purpose of carrying out his intention of removing his stock altogether from the island, and this coincidence, I presume, has suggested the charge of "driving" the inhabitants from the island. Finally, Mr. Higgins, the only merchant (i. e., the

only person who deals in dry goods, &c.) in the "town," who has frequently expressed a fear of his life being attempted by the rabble who surrounded him, applied to me for assistance. Major circumstances went to prove that his neighbor, a boatman, Kearney by name, and, as has since appeared, a British subject, had robbed him during his absence of a large quantity of potatoes; several robberies had occurred about that time; there was no magistrate upon the island, and with some reluctance I yielded to the appeals of Mr. Higgings, and sent a file of the guard to accompany Mr. Higgings in the search for his potatoes. This is probably the "inquisitorial action" referred to, but it was for Kearney to complain, if any one. On the contrary, he expressed his perfect willingness that the militia should search his cabin.

In conclusion, I may be permitted to add, that I congratulate myself upon having won the confidence and best wishes of all the respectable inhabitants of the island.

I am, sir, very respectfully, your obedient servant,

L. C. HUNT,

Captain 4th Infantry, Commanding.

Captain ALFRED PLEASANTON,

Acting Assistant Adjutant General, Fort Vancouver, W. T.

SIR: Your communication to Captain Hunt, dated March 21st, has been shown to me, and I have been required to make a brief statement concerning it.

A portion of the parties who signed the communication to you dated March 7, 1860, reside in the town of San Juan, and are engaged in the retail traffic of liquors, the balance are itinerant boatmen, &c.

Bowker, Chandler, and Frazer have each been arrested on warrant issued by myself, (as a justice of the peace of Whatcom county,) for retailing liquors without a license, and notwithstanding the proofs were positive as to the facts, the jury in each case brought in a verdict of "not guilty," thereby showing a determination to resist the execution of the revenue laws of Washington Territory on the island. The matter has been referred to the county commissioner of Whatcom county.

Justices of the peace have not the power to summarily punish offenders against this portion of the revenue laws.

The general feeling of the actual settlers of the island (numbering about fifty, a majority of whom are citizens of the United States) appears to be in favor of having the laws of Washington Territory extended over the island in all cases relating to life and property, but that no revenue, either federal or municipal, should be collected from any resident of the island; and they consider a license tax municipal revenue.

Under the existing state of affairs on the island, it is necessary that summary power should be exercised by some officer representing the United States.

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There is at present no civil officer upon the island, I having re-
signed the position which I held.

Very respectfully, your obedient servant,
D. F. NEWSOM,
Late Magistrate.

Gen. WM. S. HARNEY.

SAN JUAN ISLAND, March 30, 1860.

SIR: We, the undersigned, American citizens, actual settlers upon
the island, and tillers of the soil, respectfully represent, that the peace
and quiet of the island demand that a stop should be put to the un-
licensed and uncontrolled liquor dealing carried on upon the island;
that there is no prospect, for various reasons, that any magistrate
will long continue to exercise his functions amongst us; that by the
result of two recent jury trials it appears that no check exists on the
part of the civil power.

Having full confidence in the judgment and discretion of Captain
Hunt, the military commander upon the island, we respectfully re-
quest that you will give him such instructions as may seem proper to
you, to the end that the military power may be brought to bear
promptly for the suppression of this great nuisance in our midst.

We have the honor to be, with high respect and esteem,
J. EVERETT HEWETT,
DANIEL W. OAKES,
D. F. NEWSOM, Late Magistrate,
And thirty others.

Gen. WM. S. HARNEY,
Commanding the Department of Oregon.

HEADQUARTERS DEPARTMENT OF OREGON,
Fort Vancouver, W. T., April 12, 1860.

COLONEL: Your communication of the 7th of February last, con-
taining the desire of the Secretary of War for an explanation of cer-
tain furloughs to enlisted men, stated to have been employed in my
service, has been received.

In reply, I have the honor to state, that in consequence of the oc-
cupation of the military reserve at this place by the Hudson Bay
Company and the Catholic mission, I was compelled, the past year,
to go beyond the reserve to make a garden for myself and staff. This
was a necessity, unless I had consented to encroach upon the gardens
of the troops, which I was not disposed to do. To secure the ground,
I purchased it, and such labor as was placed upon it by soldiers on
furlough was paid for out of my private means. Seven men were fur-
loughed by my orders for this purpose from a command of five com-
panies. During the time occupied in improving this place—for I had.

others than soldiers employed—the ordnance officers, Lieutenant Sill and Welcher, were struck with its advantages as a site for an arsenal, and Lieutenant Welcher made a report to that effect to the colonel of ordnance, requesting permission to obtain it. Satisfied there could be no difficulty in the transfer to the United States, and being always desirous of advancing the public interest, I yielded the place to Lieutenant Welcher, and he occupied it with his detachment for some weeks, when he told me he had received instructions from the colonel of ordnance not to take the place, but to build elsewhere. I was surprised soon after this to receive an indorsement of the Secretary of War, on a statement of the colonel of ordnance, refuting the report made to me by Lieutenant Welcher, and desiring to know for what amount I would be willing to dispose of my improvements.

My communication to your office of December 26, 1859, placed the whole matter before you; and I shall only add that, since that date, I have held the place subject to the disposition of the War Department.

These are the facts of the case, in regard to which the general-in-chief has permitted himself to receive misstatements from a subordinate in arrest for conduct the Secretary himself decides in your communication was a grave breach of discipline.

The course pursued by the general-in-chief is the more marked from his having declined to land at Fort Vancouver for the purpose of giving his personal attention to a proper disposition of the requirements of the service. I am not surprised, therefore, that the Secretary of War should express disapprobation towards myself, under circumstances so adverse to an impartial hearing of the case.

I remain, colonel, very respectfully, your obedient servant,

WM. S. HARNEY,

Brigadier General, Commanding.

Colonel S. COOPER,

Adjutant General United States Army,

Washington City, D. C.

HEADQUARTERS DEPARTMENT OF OREGON,

Fort Vancouver, W. T., April 25, 1860.

SIR: I have the honor to report that, in obedience to General Orders No. 6 of this year, from the headquarters of the army, I have directed special reconnaissances to be made, with a view to obtain the most suitable location for the new post ordered to be established in the vicinity of Fort Boisé.

The explorations and discoveries of the past season render this the more necessary, since they indicate the establishment of a new route for emigrants, some distance to the west of Snake river, to avoid the sandy and barren portions of that route.

To enable the general-in-chief to observe the positions of these proposed routes, a copy of the map of that section of country, taken

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rs, Lieutenant from Captain Wallen's explorations, is herewith enclosed. It is as a site for probable, from the distance of country to be passed over, that a at effect to the suitable location for the post may not be ascertained in time to place n it. Satisf the troops in position before the coming winter, in which event I ited States, a shall cause all the preparations to be made, but defer the movement t, I yielded t until early in the spring.

I am, sir, very respectfully, your obedient servant,
W. S. HARNEY,
Brigadier General, Commanding.

ASSISTANT ADJUTANT GENERAL,
Headquarters of the Army, New York city.

HEADQUARTERS DEPARTMENT OF OREGON,
Fort Vancouver, W. T., May 5, 1860.

SIR: The troops at Forts Bellingham and Townsend having been withdrawn to Fort Steilacoom, I have the honor to report, for the information of the general-in-chief, that I have offered the use of the buildings at those places to the superintendent of Indian affairs of Washington and Oregon for positions as agencies, with the condition that they would be relinquished if needed hereafter by this command.

A similar arrangement has answered a good purpose for Fort Simcoe, and I trust the present one will meet the approval of the general-in-chief and the War Department.

I am, sir, very respectfully, your obedient servant,
WM. S. HARNEY,
Brigadier General, Commanding.

ASSISTANT ADJUTANT GENERAL,
Headquarters of the Army, New York city.

[Indorsement.]

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HEADQUARTERS OF THE ARMY,
Washington, June 14, 1860.

Fort Bellingham was broken up pursuant to orders from the War Department; Fort Townsend by the orders of Brigadier General Harney. By abandoning this latter post, four companies are placed at Fort Steilacoom, where it is understood there are only quarters for three companies.

Respectfully forwarded to the adjutant general.
L. THOMAS,
Assistant Adjutant General.

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OREGON,
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